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Acting Attorney General

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Office of Legal Counsel

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Warren Commission, autopsy photographs and X-rays -- Letter from Wesley J. Liebeler to J. Lee Rankin dated November 16, 1966.

D.A.K.

A copy of the above-referenced letter was sent to me and, according to the letter itself, also to you. Mr. Liebeler worked for the Warren Commission as an Assistant Counsel.

We talked about his letter by telephone Monday afternoon, November 21, 1966. The following is the gist of our conversation. Mr. Liebeler asked that it be kept confidential within the Department.

About one week ago, Liebeler talked with Harrison Salisbury of the New York Times. Salisbury told him that the Times was planning a series of articles on the criticisms of the Warren Report, that he, Salisbury, was to be in charge of the series, that he believed the criticisms were serious enough to warrant a re-opening of the investigation and that he thought there should be such a re-opening. Salisbury wanted the Times to call for a re-opening, but of course that decision would not be made until after the series had been written and other Times' editors could judge the issue too. (The New York Times today -- November 21 -- said that Life Magazine had already editorially called for a re-opening.) Salisbury also said that the Times had asked Burke Marshall to cooperate with it or others in having some nongovernment pathologists examine the autopsy X-rays and photographs but that Marshall refused.

Declassified by John M. Harmon
March, 1980

Liebeler feels strongly that public opinion will soon force the Department of Justice and Burke Marshall to permit some kind of unofficial access to the photographs and X-rays and that it is better that such permission be granted as soon as possible. The dangers in waiting are:

(1) It will then look like we consented only under pressure, especially if by then the New York Times has joined the chorus.

(2) There is still a reasonable chance of spiking this thing by a re-investigation limited to aspects of the autopsy, but if public opinion continues to develop as it has over the past few months we may soon be faced with a politically unstoppable demand for a free-wheeling re-investigation of all aspects.

(3) The already allege, or broadly hint, the involvement of the highest echelons of the Government in the assassination, and the Government's participation in the "hiding" of the photographs and X-rays dangerously lends creditability to their hints and allegations. Such hints have been made, for example, by Mark Lane in his speechs (according to Liebeler), by Richard Popkins in his book, "The Second Oswald", and by Barbara Garson in a play already published and due to be shown in New York City, "MacBird". The play has been favorably reviewed by Dwight MacDonald in the New York Review of Books (although he disclaims any agreement with this particular aspect of it) and by Robert Brustein in the New York Times (who failed to mention this aspect).

Richard Billings of Life Magazine talked extensively with Liebeler and also with Arlen Specter, another Assistant Counsel, prior to Life's beginning its current series on the Warren Report. Liebeler argued with Billings that Life should not

print Governor Connally's story without also asking him questions designed to elicit the other side of the issues on which he disagreed with the Commission. Liebeler argued that putting out Connally's story "as is" would have the effect of freezing him to it, whether or not it was true. But Billings refused because, he said, Connally had consented to be interviewed only on condition that he be asked only such questions as he approved and not be cross-examined. When Liebeler remonstrated that Life had a responsibility not to publish under such one-sided conditions, Billings replied in effect, "That's publishing business".

Sunday, November 20, Liebeler talked with Edward Jay Epstein, the author of the book "Inquest", which is critical of the Report. Epstein now feels satisfied on all issues raised in his book except those connected with the autopsy X-rays and photographs. He still believes that they should be examined by an independent group of pathologists. If they are so examined, and if the group contains a man acceptable to him, and if the result is to confirm the Commission's findings, Epstein will publicly state his satisfaction with the Report -- in effect, he will publicly repudiate the doubts and suspicions he himself cast in his book. And he will join with Liebeler and others in defending the Report against Lane, who Epstein now is convinced is unscrupulous and dangerous.

Liebeler, Bert Griffin and Arlen Specter, the three Assistant Counsel who have been most concerned with answering public criticisms of the Report, would be glad to talk any of this over with you if you want them to.